



Kent City Schools

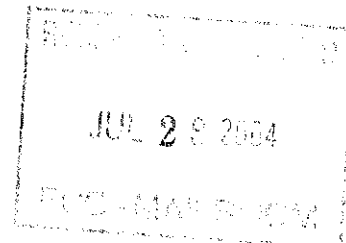
DOCKET FILE COPY ORIGINAL

DR. JOSEPH M. GIANCOLA, ASSISTANT SUPERINTENDENT

321 NORTH DEPEYSTER STREET • KENT, OHIO 44240

July 8, 2004

Federal Communication Commission  
Office of the Secretary  
445 - 12<sup>th</sup> Street SW  
Washington, DC 20554



**Re: CC Docket No. 02-6**

**Contact:**

Dr. Joseph Giancola  
Kent City School District  
321 North DePeyster Street  
Kent, OH 44240

Telephone # - 330-676-7611  
Fax # - 330-677-6166  
Email - [ke\\_giancola@neonet.k12.oh.us](mailto:ke_giancola@neonet.k12.oh.us)

**LETTER OF APPEAL - REQUEST FOR REVIEW**

Billed Entity Name: Kent City School District  
Billed Entity Number: 129543  
Funding Year: 2001  
471 Application Number: 231188  
Funding Request Number: 539503  
SLD Document Date: June 25, 2004  
SLD Decision: **Denied in full**

**EXPLANATION**

Our district is appealing this decision to the FCC because it appears the SLD has misunderstood the basis for our appeal. For Funding Year 2001-2002 our district mailed the correct certification page on January 18, 2001 (i.e., required by the above-named Form 471) and obtained proof of delivery from the USPS (see attached). The mailing of this certification page was filed properly before the close of the funding window. The SLD received this on January 22, 2001 (see attached). When our E-Rate consultant checked the status of all of our district's funding requests in December, 2003, the consultant discovered that this 471 Application Number's status was "Incomplete."

No. of Copies rec'd 0  
List ABCDE

In January, 2004, we opened an inquiry with the SLD (Case Number 21-009206) and faxed a copy of the original certification page and proof of delivery. We faxed the wrong certification page (for a different FRN), but we corrected this action by faxing the correct certification page with proof of delivery dated January 18, 2001.

The SLD is denying our appeal because:

"(You) are appealing the sole issue that a certification for this application along with proof of mailing was submitted to Debbie Wilburn on January 21, 2004. However, program rules for Funding Year 2001 require that the Form 471 certification be postmarked or received by the close of the window on January 18, 2001. It is the responsibility of the applicant to ensure that all forms are correct and submitted to the SLD in a timely manner. Consequently, the appeal is denied."

What was sent to Debbie Wilburn was proof of certified mail substantiated by the U.S. Post Office that our district had mailed the original certification as required on January 18, 2001. We did not discover that the certification page had not been received until December, 2003, so that is why the proof of delivery dated January 18, 2001 was re-sent to the SLD in January, 2004.

We respectfully ask that the FCC honor our appeal. Thank you for your time and consideration.

Sincerely,



Dr. Joseph Giancola  
Assistant Superintendent

JG/sk  
Attachments

cc: U.S. Representative Tim Ryan  
222 Cannon House Office Building  
Washington, DC 20515

Senator George Voinovich  
317 Hart Senate Office Building  
Washington, DC 20510

Dr. Marc Crail, Superintendent  
Kent City School District  
321 N. DePeyster Street  
Kent, OH 44240

Z 533 481 485

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Ms. Smith</i>	
Street & Number <i>3833 Greenway Dr.</i>	
Post Office, State, & ZIP Code <i>Lawrence, KS 66044</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <i>3.95</i>
Postmark or Date	<i>18 2001</i>

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1 ☒ Registered Mail ☒ Certified Mail  
2 ☐ Restricted Delivery ☐ Insured  
3 ☐ Return Receipt for Merchandise ☐ COD

3. Article Addressed to:

SLD-Form 471  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, KS 66046

4a. Article Number

7CS Pearson Agent  
Z 533 481 405

4b. Service Type

- ☐ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

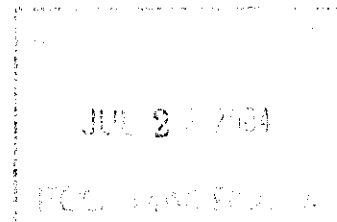
Thank you for using Return Receipt Service.

2 533 HYI 405



DR. JOSEPH M. GIANCOLA, ASSISTANT SUPERINTENDENT

321 NORTH DEPEYSTER STREET • KENT, OHIO 44240



January 18, 2001

SLD-Form 471  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, KS 66046

To Whom It May Concern:

Please find enclosed our "Block 6: Certificates and Signature" and pertinent attachment (s) for the following E-Rate application:

Form 470	236470000301647
Form 471 App.#	231188
Billed Applicant #	129543

We believe all is in order. Please advise if otherwise.

Sincerely,

Dr. Joseph Giancola  
Assistant Superintendent

JG/sk  
Enclosure

cc: Dr. Marc Crail, Superintendent  
Ms. Debbie Krutz, Treasurer

HOME

CANCEL

HELP

**FCC Form 471**

Services Ordered and Certification Form



Applicant's Form Identifier: FORM1

Entity Number: 129543

Contact Person: Dr. Joseph Giancola

Phone Number: (330) 673-6515

**Block 6: Certifications and Signature**

Do not write in this area

471 Application Number: 231188

24. The entities listed in Block 4 of this application are eligible for support because they are:  
(check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities

25. The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.

26. All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- a. ☒ an individual technology plan for using the services requested in this application; and/or
- b. ☐ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local distance telephone service only.

27. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved; and/or
- b. ☐ technology plan(s) will be approved by a state or other authorized body; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

28. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurements of services for which support is being sought.

29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30. I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.

32. I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33. I certify that I am authorized to submit this request on behalf of the above-named institution, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34. Signature of authorized person

*Joseph Giancola*

35. Date 01/18/2001

36. Printed name of authorized person Dr. Joseph Giancola

37. Title or position of authorized person Assistant Superintendent

38. Telephone number of authorized person (330) 673-6515

471 Application Number: 231188

KENT CITY SCHOOL DISTRICT

321 N DEPEYSTER ST

KENT, OH 44240-2514

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communication Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Service's Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation of potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay

processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Please submit this form to:

SLD - Form 471  
P.O. Box 7026  
Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD - Form 471  
C/O Ms. Smith  
3833 Greenway Drive  
Lawrence, KS 66046  
(888) 203-8100

[Return to SLD Home Page](#)

---

Copyright 1997-2000  
Schools and Libraries Division

---